

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| In re:                            | ) | Chapter 11              |
|                                   | ) | Case No. 01-01139 (JKF) |
| W.R. GRACE & CO., <u>et al.</u> , | ) | (Jointly Administered)  |
|                                   | ) |                         |
| Debtors.                          | ) |                         |

**PHASE II WITNESS DESIGNATION OF  
MARYLAND CASUALTY COMPANY**

In accordance with paragraph 3 of the *Third Amended Case Management Order Related to the First Amended Joint Plan of Reorganization* [D.I. 21544] ("Third CMO") dated May 5, 2009, Maryland Casualty Company ("MCC"), by and through its undersigned counsel, hereby states as follows:

1. In support of objections that MCC has raised and may raise to the confirmation of the *First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code of W.R. Grace & Co., et al., the Official Committee of Asbestos Personal Injury Claimants, the Asbestos Future Claimants' Representative, and the Official Committee of Equity Security Holders* ("Joint Plan"), MCC may call one or more of the following witnesses at Phase II of the Confirmation Hearing:

- a. Al McComas and/or a records custodian of MCC;
- b. any witnesses designated and/or called by any other party; and
- c. any witness(es) necessary in rebuttal to any evidence or argument made at or before the Confirmation Hearing that is or may be contrary to the interests of MCC.

2. In accordance with paragraph 6 of the Third CMO, MCC hereby states that, with respect to Libby issues, MCC may call any witness(es) necessary in rebuttal to any evidence or

argument made at or before the Confirmation Hearing relating to Libby issues that is or may be contrary to the interests of MCC.

3. Because discovery relating to the Joint Plan is ongoing, and because Phase II Trial briefs have not yet been filed, this Phase II Witness Designation is submitted without prejudice to the designation or presentation of any and all additional witnesses that MCC may deem necessary.

Dated: June 15, 2009

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